

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

22-cr-648-1 (JGK)

RENE VICTORIA RODRIGUEZ,

MEMORANDUM OPINION AND
ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The defendant, Rene Victoria Rodriguez, moves for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2) based on the retroactive application of that part of Amendment 821 to the Sentencing Guidelines that added section 4C1.1 to the Guidelines. That provision provided for a two-level downward adjustment to the offense level for defendants who have zero criminal history points and otherwise meet the criteria in that Guideline.

In this case, the Court applied Guideline section 4C1.1 at sentencing and adjusted the offense level downward by two levels. See Sent. Tr. at 4-5, ECF No. 106. The Court therefore determined that the Guidelines Sentencing Range was 51-63 months and varied downwardly to a principal sentence of 38 months' imprisonment. No further adjustment is warranted by the adoption of Amendment 821. Therefore, the defendant's application for a reduction in his sentence based on the retroactive application

of Amendment 821 is **denied**. The Clerk is respectfully directed to close ECF No. 117.

SO ORDERED.

**Dated: New York, New York
October 23, 2024**

A handwritten signature in black ink, appearing to read "John G. Koeltl", is written over a horizontal line.

**John G. Koeltl
United States District Judge**